

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARAM MBOW,

Plaintiff,

Case No. 21-cv-1157-pp

v.

USCIS MILWAUKEE FIELD OFFICE,
USCIS DISTRICT 14 CHICAGO,
UNITED STATES ATTORNEY GENERAL,
and DEPARTMENT OF HOMELAND SECURITY,

Defendants.

**ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION TO DISMISS
(DKT. NO. 13)**

On October 6, 2021, the plaintiff filed a petition for *de novo* review of his application for naturalization under 8 U.S.C. §1421(c). Dkt. No. 1. Nearly four months later, before the court had had the opportunity to address the merits of the plaintiff's case, the plaintiff's attorney filed a "Suggestion of Death" stating that the plaintiff had passed away sometime around November 7, 2021. Dkt. No. 12.

The defendant has filed an unopposed motion to dismiss under Federal Rules of Civil Procedure 12 and 25. Dkt. No. 13. The defendant represents that its motion to dismiss is unopposed because the plaintiff's attorney has stated on the record that she no longer represents the plaintiff and cannot take any action. Dkt. No. 14 at 2 (citing Dkt. No. 12 at 1). In addition, the defendant

indicates that the plaintiff's attorney has informed defense counsel twice in writing that her intent is to terminate this case. Id.

Under Rule 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” The decedent’s successor or survivor then has ninety days after service of the suggestion of death to file his or her motion or the case is dismissed. Fed. R. Civ. P. 25(a)(1).


At this time, there is no plaintiff and the deceased’s attorney has stated that she will take no further action in this case—she states that her “agency to act” ceased when her client passed away, dkt. no. 12 at 1 (citing Restatement (Second) of Agency §120(1) (1958)) and that she will not be filing a motion for substitution of counsel or for substitution of party, id. The plaintiff’s attorney did not indicate whether the plaintiff had any representatives or survivors. The nature of the plaintiff’s claim would indicate that the claim was extinguished up on his death, as the claim related to the decedent’s citizenship.

The court **GRANTS** the defendants’ unopposed motion to dismiss. Dkt. No. 13.

The court **ORDERS** that this case is **DISMISSED WITH PREJUDICE**. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 7th day of February, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge